

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** John Rayson, 954 566 8855

**PREPARED BY:** Lauren Rice

**SUBJECT:** Resolution

**AFFECTED DISTRICT:**

**ITEM REQUEST:** Schedule for Council Meeting

**TITLE OF AGENDA ITEM:** SETTLEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING THE STIPULATION FOR SETTLEMENT BETWEEN PARK CITY MANAGEMENT CORP. AND THE TOWN OF DAVIE AND PARK CITY ESTATES HOMEOWNERS ASSOCIATION, INC. [CASE NO. 04-3499 (81)].

**REPORT IN BRIEF:** Park City Estates and the Town of Davie have entered into a Stipulation for Settlement to resolve a dispute between them concerning maintenance of a median strip, code enforcement proceedings, and collection matters regarding SW 18th Street. As of March 1, 2010, the Town of Davie shall be responsible for all street lights and poles on public roadways (not including lights at three clubhouses, three pools, shuffleboard courts, bocce courts, three parking lots, lights around the lake or the French petanque courts) and shall pay all costs associated therewith. Park City Management agrees not to bring any proceeding to enforce any obligation the Town of Davie may have had regarding lighting prior to March 1, 2010. Davie shall pay Park City Management the total sum of \$14,000.00. Both parties agree that the Stipulation is a settlement for all claims between the parties arising in any way from the Pre-Annexation Agreement that would have occurred prior to the execution of the Stipulation for Settlement. Upon receipt of all payments, Park City Management and the Town of Davie shall file a Voluntary Dismissal with Prejudice of all remaining claims.

**PREVIOUS ACTIONS:**

**CONCURRENCES:**

**FISCAL IMPACT:** Yes

Has request been budgeted? Yes

If yes, expected cost: \$14,000.00

Account name and number: 001-1810-514-4910 Legal Settlements

If no, amount needed: \$

What account name and number will funds be appropriated from:

Additional Comments:

**RECOMMENDATION(S):** Motion to approve resolution

**Attachment(s):** Resolution, Stipulation for Settlement

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING THE STIPULATION FOR SETTLEMENT BETWEEN PARK CITY MANAGEMENT CORP. AND THE TOWN OF DAVIE AND PARK CITY ESTATES HOMEOWNERS ASSOCIATION, INC. [CASE NO. 04-3499 (81)].

**WHEREAS**, Park City Management Corp. (hereinafter “MANAGEMENT”) is the plaintiff and the Town of Davie (hereinafter “DAVIE”) and Park City Estates Homeowners Association, Inc. are defendants in Broward County court case 04-3499 (81); and

**WHEREAS**, MANAGEMENT and DAVIE have entered into a Stipulation for Settlement to resolve a dispute between them concerning maintenance of a median strip, code enforcement proceedings, and collection matters regarding SW 18<sup>th</sup> Street; and

**WHEREAS**, In accordance with the Stipulation for Settlement, DAVIE will continue to maintain the median strip on SW 18<sup>th</sup> Street in Park City Estates and as of March 1, 2010 shall be responsible for public street lights and poles in Park City Estates roadways and shall pay all costs associated therewith. However, lights at three clubhouses, three pools, shuffleboard courts, bocce courts, three parking lots, lights around the lake and the French petanque courts are excluded from this agreement. DAVIE shall dismiss all code enforcement proceedings and suspend any collections matters regarding SW 18<sup>th</sup> Street. Davie will not be responsible for any light bills on public streets for anytime prior to March 1, 2010.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF THE TOWN DAVIE, FLORIDA, AS FOLLOWS:**

**SECTION 1:** MANAGEMENT and DAVIE accept the Stipulation for Settlement and DAVIE further agrees to pay the total sum of \$14,000.00.

**SECTION 2:** Upon receipt of all payment, MANAGEMENT and DAVIE shall file a Voluntary Dismissal with Prejudice, of all remaining claims.

**SECTION 3:** This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010

\_\_\_\_\_  
MEMBER  
ATTEST:

MAYOR / COUNCIL

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2010

IN THE COUNTY COURT IN AND FOR  
BROWARD COUNTY FLORIDA

PARK CITY MANAGEMENT CORP.

CASE NO: 04-3499 (81)

Plaintiffs

v.

THE TOWN OF DAVIE, and PARK CITY  
ESTATES HOMEOWNERS ASSOCIATION, INC.

Defendants

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STIPULATION FOR SETTLEMENT

COME NOW, the Plaintiff, PARK CITY MANAGEMENT CORP.  
(hereinafter "MANAGEMENT"), and Defendant, THE TOWN OF DAVIE  
(hereinafter "DAVIE"), and hereby stipulate and agree that this  
cause be amicably settled as follows:

1. Defendant, DAVIE shall continue to maintain the Median  
Strip on S.W. 18<sup>th</sup> Street, in PARK CITY ESTATES, and shall direct  
the Town to Dismiss all Code Enforcement proceedings, and suspend  
any collection matters with regard to SW 18<sup>th</sup> Street.

2. Further, as of March 1, 2010, DAVIE shall thereafter be  
solely responsible for all Street Lights and Poles public in  
roadways but not including lights at three clubhouses, three pools,  
shuffleboard courts, bocce courts, three parking lots, lights  
around the lake or the French petanque courts, and shall pay all  
costs associated therewith, including but not limited to electric  
bills, and MANAGEMENT agrees not to bring any proceeding to enforce  
any obligation DAVIE may have had with regard to Lighting prior to  
March 1, 2010.

3. Further, DAVIE shall pay MANAGEMENT the total sum of \$14,000.00, Said figure reflects the sum of \$8,000.00 payable to Eric J. Braunstein, P.A. for attorneys fees and the sum of \$6,000.00 payable to MANAGEMENT as damages.

4. The parties hereto agree that this Stipulation is a settlement of all claims between the parties hereto, arising in any way from the Pre-Annexation Agreement, that would have occurred prior to the execution of this Agreement, and that DAVIE through its Town Counsel shall approve this settlement prior to execution.

5. The Court shall retain jurisdiction to enforce the terms of this agreement, and in the event that it is necessary for any party to bring an action to enforce the terms hereof, the prevailing party shall be entitle to collect a reasonable attorneys fee.

6. Upon receipt of all payment, MANAGEMENT and DAVIE shall file a Voluntary Dismissal with Prejudice, of all remaining claims.

Dated on this \_\_\_\_ day of \_\_\_\_\_, 2010.

ERIC J. BRAUNSTEIN, P.A.  
Attorneys for Plaintiff  
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Suite 222  
Plantation, Florida 33324

LAW OFFICES OF JOHN C. RAYSON  
Town Attorney, Town of Davie  
2400 East Oakland Park Blvd  
Fort Lauderdale, Florida, 33306

By: \_\_\_\_\_  
Eric J. Braunstein  
Fla Bar No. 703370

By: \_\_\_\_\_  
John C. Rayson, Esq.  
Fla Bar No. 204153